

MINUTES OF THE COMMON COUNCIL MEETING HELD NOVEMBER 7, 2018

The meeting was called to order at 7:00 p.m. by Mayor Tutaj. Following the Pledge of Allegiance and a moment of silence for the community, roll call was taken.

Present: Mayor Tutaj, Alderpersons Wattawa, Schandel, Brickner, Feirer, Damon and Drew

Also Present: City Administrator Johnsrud, City Attorney Alexy, City Clerk/Treasurer Uecker, City Engineer Dejewski, Fire Chief Poplar, Police Chief Hunter, Public Health Administrator Scott and interested citizens

Statement of Open Meetings Compliance:

City Clerk/Treasurer Uecker stated that the meeting had been properly posted and noticed.

Presentation:

- None

Consent Agenda:

Moved by Alderwoman Schandel, seconded by Alderman Wattawa to place on file with reference in the minutes and approve the items as listed under Consent Agenda on the November 7, 2018 Common Council Agenda. Motion carried.

Items Removed from Consent Agenda:

- None

Recommendation of Action from Committees/Commissions/Boards:

Moved by Alderman Brickner, seconded by Alderman Damon to approve a Beverage Operator's License – New for Jonathan Harwood and Heather Knapp. Motion carried.

Moved by Alderman Brickner, seconded by Alderman Damon to approve a Christmas Tree Sales License for Mega Mart, LLC d/b/a Pick N Save – 4698 South Whitnall Avenue. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Feirer to accept the 2019 City of St. Francis Budget and to direct the City Clerk to set the Public Hearing. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Drew to accept the recommendation from the Planning Commission to approve the detailed PUD for 4200 South Lake Drive contingent upon all the staff comments being addressed and the Developer's entry into a Development Agreement satisfactory to the City. Motion carried.

Moved by Alderman Wattawa, seconded by Alderman Drew to accept the recommendation from the Planning Commission to approve the initial PUD application for the St. Francis Animal Hospital contingent upon the Common Council approving an Offer to Purchase from the St. Francis Animal Hospital for the sale of the City's property and authorizing the application for rezoning as the owner of the property; the creation of a parking bank to be shown on the detailed PUD submittal;

and to have the City Clerk set the date of the Public Hearing. Motion carried with Alderman Damon and Alderman Drew voting no.

Moved by Alderman Wattawa, seconded by Alderman Drew to accept the recommendation from the Planning Commission to approve the change of zoning for 2502 East Crawford Avenue from M-2 to M-2 Special Use contingent upon the Fire Department approving the equipment layout in the parking areas; to allow the required paving of the parking lot to be phased over 3 years; to waive the requirement concerning the installation of curb and gutter in the parking lot; and to have the City Clerk set the date of the Public Hearing. Motion carried.

Move by Alderman Feirer, seconded by Alderman Damon to concur with the recommendation from the Economic Development Committee to retain Ayers and Associates as the consulting firm for the Marketing and Development Plan of Kinnickinnic Corners Catalytic District in the amount of \$32,330. Motion carried with Alderwoman Schandel voting no.

Resolutions and Ordinances:

Moved by Alderwoman Schandel, seconded by Alderman Damon to introduce and adopt an Ordinance to Repeal and Recreate Section 115-7 “Disposal of Abandoned Property” of the City of St. Francis Code of Ordinances. Motion carried. **Ordinance No. 1435**

Moved by Alderwoman Schandel, seconded by Alderman Feirer to introduce and adopt an Ordinance to Repeal and Recreate Section 435-35(a) (26) – No Parking on East Van Beck Avenue East of South Kingan Avenue. Motion carried. **Ordinance No. 1436**

Moved by Alderwoman Schandel, seconded by Alderman Drew to introduce and adopt an Ordinance to Repeal and Recreate Section 435-35(A)(7) – No Parking on East Denton Avenue West of South Nicholson Avenue. Motion carried. **Ordinance No. 1437**

Moved by Alderwoman Schandel, seconded by Alderman Damon to introduce and adopt a Resolution Congratulating the Archdiocese of Milwaukee on their 175th Anniversary. Motion carried. **Resolution No. 2774**

Discussion and Action Items:

- Mid America Steel Drum

Appointments to Committees/Commissions/Boards:

Moved by Alderman Damon, seconded by Alderman Brickner to concur with the Mayor’s appointments of Ken Tutaj to the Aesthetic Control Board and Richard Lentz to the Planning Commission. Motion carried.

Correspondence with Possible Action or Referral to Committees/Commissions/Boards:

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Moved by, seconded by to place on file with reference in the minutes the correspondence from the Chief Poplar regarding new Firefighter. Motion carried.

Moved by Alderman Feirer, seconded by Alderman Brickner to place on file with reference in the minutes the correspondence from Chief Poplar regarding donations for new footwear and to accept the donations as presented. Motion carried.

Moved by Alderwoman Schandel, seconded by Alderman Damon to place on file with reference in the minutes the correspondence from the City Engineer regarding award of contract for 2018 Catch Basin Repair and to award the contract to AW Oakes and Son in an amount not to exceed \$24,000. Motion carried.

Moved by Alderman Damon, seconded by Alderman Wattawa to place on file with reference in the minutes the correspondence from the City Engineer regarding Phase 2 Environmental Report for the Northeast corner of South Kinnickinnic Avenue and East Howard Avenue and to approve the contract with Giles Engineering Associates in the amount of \$11,960. Motion carried.

Convene into Closed Session:

Moved by Alderman Brickner, seconded by Alderman Wattawa to convene into closed session pursuant to Wis. Stat. sec. 19.85(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Item for discussion - Campbell Capital Group, LLC – 4200 South Lake Drive Developer's Agreement and Offer to Purchase for 3900 South Kinnickinnic Avenue. The following voted "aye": Alderman Drew, Alderman Damon, Alderman Feirer, Alderwoman Schandel, Alderman Wattawa and Alderman Brickner. Motion carried.

Time: 7:56 p.m.

Adjourn:

Moved by Alderman Feirer, seconded by Alderwoman Schandel to adjourn. Motion carried.

Time: 8:36 p.m.

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1435

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 115-7,
“DISPOSAL OF ABANDONED PROPERTY”, OF THE
THE CITY OF ST. FRANCIS CODE OF ORDINANCES**

WHEREAS, Wis. Stat. § 66.0139 establishes procedures for Wisconsin municipalities to address abandoned property; and

WHEREAS, Wis. Stat. § 66.0139(1) provides, in relevant part, that a political subdivision may dispose of any personal property which has been abandoned, or remained unclaimed for a period of 30 days, after the taking of possession of the property by an officer of the political subdivision by any means determined to be in the best interest of the political subdivision”; and

WHEREAS, Wis. Stat. § 66.0139 provides procedures to be followed if abandoned personal property is not disposed of by public sale; and

WHEREAS, § 115-7 of the City of St. Francis Code of Ordinances, establishes regulations pertaining to disposal of abandoned property; and

WHEREAS, § 115-7 of the Code of Ordinances does not currently provide procedures conducive to disposal of abandoned cash or currency; and

WHEREAS, the Common Council finds it in the best interests of the City to amend § 115-7 of the Code of Ordinances to address abandoned cash and currency; and

WHEREAS, the Common Council finds amendment of § 115-7 of the Code of Ordinances to provide procedures for disposal of abandoned cash will promote the health, safety and welfare of the public;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Section 115-7, “Disposal of abandoned property”, of the City of St. Francis Code of Ordinances is hereby repealed and recreated to read as follows:

§ 115-7 Disposal of abandoned property.

A. Duty. All property that is or appears to be abandoned or unclaimed shall be given to the St. Francis Police Department.

B. Disposal of firearms and/or ammunition.

(1) The St. Francis Police Department shall attempt to locate the rightful owner of any firearm and/or ammunition that is in the possession of the Police Department and return such to the rightful owner.

(2) If after a minimum of 30 days such rightful owner cannot be located, such firearm and/or ammunition shall be transferred to the State Crime Laboratory, the Division of Law Enforcement Services of the Department of Justice, the Federal Bureau of Investigation, or the Alcohol, Tobacco and Firearms Bureau of the United States Department of the Treasury.

C. Disposal of dangerous property.

(1) The Police Chief may order the immediate safe disposal of any abandoned property that poses an immediate threat to life or property.

(2) An attempt shall be made to locate the rightful owner of any abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use that do not pose an immediate danger. If, after a period to be determined by the Police Chief, such rightful owner cannot be located, such property shall be safely disposed of.

D. Disposal of all other property. It is in the best interest of the City to dispose of all other property as follows:

(1) All other property that appears to be abandoned or unclaimed shall be kept by the Police Department for a minimum period of six months. Such property may be stored in premises not under the control of the Police Department. An attempt shall be made to locate the rightful owner of such property.

(2) Any property remaining shall be sold by auction open to the public at a time and place to be determined by the Police Chief. Such auction may be conducted by any person or group the Police Chief selects. At such auction, a record shall be kept indicating the date of sale, method of sale, consideration received for such property, and the name and address of the person taking possession of such property. This auction is exempt from the requirements of other St. Francis ordinances regarding auctions. Deducted from the receipts of such auction shall be the necessary expenses of keeping the property and conducting the sale, including any percentage retained by the party conducting such sale. The balance of the receipts of such sale shall be paid into the City treasury. Notwithstanding any provision of this subsection (2) to the contrary, where the remaining property is cash or currency, such cash or currency shall be paid into the City treasury without need for a public auction. A record of payment of cash or currency into the City treasury shall be maintained in the same manner as payments into the treasury following a public sale.

(3) Any property remaining after such sale shall be disposed of in a manner to generate revenue, such as scrap value. Any net funds so collected shall be paid into the City treasury.

(4) Any property still remaining shall be disposed of by being destroyed, either by the Police Department or by depositing such with a refuse hauler, or if neither of these methods is practical, by a method determined by the Police Chief to be in the best interest of the City and which will assure the destruction of the property.

(5) An inventory shall be made by the Police Department of all property disposed of under this section and such shall be kept for a period of two years from the date of disposal.

SECTION 2. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance

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are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and publication as provided by law.

Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 7th day of November 2018.

CITY OF ST. FRANCIS

BY: **/s/Ken Tutaj**
Ken Tutaj, Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC
Anne B. Uecker, City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1436

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 435-3(A)(26)
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
CONCERNING CERTAIN PARKING RESTRICTIONS ON EAST VAN BECK
AVENUE IN THE CITY OF ST. FRANCIS**

WHEREAS, Section 435-3(A) of the City of St. Francis Code of Ordinances establishes certain restrictions on the parking, and the leaving while operating, of vehicles on certain specified streets within the City of St. Francis including, but not limited to East Van Beck Avenue; and

WHEREAS, City of St. Francis Staff and the Board of Public Works have recommended modification of the existing parking regulations on East Van Beck Avenue to prevent parked vehicles from limiting vision of northbound traffic on South Kingan Avenue; and

WHEREAS, the Common Council finds that adoption of such recommended revisions to the parking restrictions in Section 435-3(A)(26) will promote the health, safety, and welfare of the public;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Section 435-3(A)(26) of Chapter 435, entitled "Vehicles and Traffic", of the City of St. Francis Code of Ordinances is hereby repealed and recreated to read as follows:

(26) East Van Beck Avenue.

- (a) No parking to corner, north side of street, for a distance of 25 feet to nearest sidewalk line along South Kingan Avenue.
- (b) On the south side, from the intersection of the centerline of East Van Beck Avenue and the centerline of South Kingan Avenue to a point approximately 55 feet east along the centerline of East Van Beck Avenue.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and publication as provided by law.

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Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 7th day of November 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST: /s/Anne B. Uecker, MMC/WCPC
Anne B. Uecker, City Clerk/Treasurer

STATE OF WISCONSIN

CITY OF ST. FRANCIS

MILWAUKEE COUNTY

ORDINANCE NO. 1437

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 435-3(A)(7)
OF THE CITY OF ST. FRANCIS CODE OF ORDINANCES
CONCERNING CERTAIN PARKING RESTRICTIONS ON EAST DENTON AVENUE
IN THE CITY OF ST. FRANCIS**

WHEREAS, Section 435-3(A) of the City of St. Francis Code of Ordinances establishes certain restrictions on the parking, and the leaving while operating, of vehicles on certain specified streets within the City of St. Francis including, but not limited to East Denton Avenue; and

WHEREAS, City of St. Francis Staff and the Board of Public Works have recommended modification of the existing parking regulations on East Denton Avenue to permit the creation of a dedicated right-turn lane for eastbound East Denton Avenue at the intersection of South Nicholson Avenue; and

WHEREAS, the Common Council finds that adoption of such recommended revisions to the parking restrictions in Section 435-3(A)(7) will promote the health, safety, and welfare of the public;

NOW, THEREFORE, the Common Council of the City of St. Francis, Wisconsin do ordain as follows:

SECTION 1. Section 435-3(A)(7) of Chapter 435, entitled “Vehicles and Traffic”, of the City of St. Francis Code of Ordinances is hereby repealed and recreated to read as follows:

(7) East Denton Avenue.

- (a) North side, from South Lake Drive to a point three hundred fifty feet (350’) west of the centerline of South Swift Place.
- (b) On both sides, from the intersection of the centerline of East Denton Avenue and the centerline of South Nicholson Avenue to a point approximately 195 feet west along the centerline of East Denton Avenue.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and publication as provided by law.

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Passed and adopted at a regular meeting of the Common Council of the City of St. Francis this 7th day of November 2018.

CITY OF ST. FRANCIS

BY: /s/Ken Tutaj
Ken Tutaj, Mayor

ATTEST: /s/Anne B. Uecker, MMC/WCPC
Anne B. Uecker, City Clerk/Treasurer

Resolution No. 2774

RESOLUTION CONGRATULATING THE ARCHDIOCESE OF MILWAUKEE ON
THEIR 175TH ANNIVERSARY

At a regular meeting of the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, held on the 7th day of November, 2018 a quorum being present and a majority of the Council voting therefore, said Council does resolve as follows:

WHEREAS, the ARCHDIOCESE OF MILWAUKEE is celebrating their 175th Anniversary on November 28, 2018; and

WHEREAS, John Martin Henni was appointed the first Bishop and was instrumental in the building of St. Francis de Sales Seminary and in subsequent years established the Motherhouse for the School Sisters of St. Francis; and

WHEREAS, the ARCHDIOCESE OF MILWAUKEE always placed a high value on education and in 1929 opened Messmer High School which became one of the leading educational institutions in the Archdiocese. In the 1930's Bishop Kiley reorganized the Seminary and moved it to Pio Nono High School which is the current St. Thomas More High School; and

WHEREAS, upon his appointment Archbishop Cousins was appointed to the ecumenical council which through Vatican II would transform the Archdiocese of Milwaukee; and

WHEREAS, under the guidance of Archbishops Weakland, Dolan and ListECKI the Archdiocese of Milwaukee has continued to grow and reach Catholics in southeastern Wisconsin; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of St. Francis, Milwaukee County, Wisconsin, on behalf of itself and all the residents of the City of St. Francis that it hereby highly commends the ARCHDIOCESE OF MILWAUKEE for their 175 years valuable service to all in southeastern Wisconsin; and

BE IT FURTHER RESOLVED that best wishes are hereby tendered to the Archdiocese of Milwaukee in all its future endeavors.

PASSED and APPROVED this 7th day of November, 2018.

/s/Ken Tutaj

Mayor

ATTEST:

/s/Anne B. Uecker, MMC/WCPC
City Clerk/Treasurer